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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,850	09/11/2000	John R. Coffee	FMS/130	6046
23432	7590	02/18/2009	EXAMINER	
COOPER & DUNHAM, LLP 30 Rockefeller Plaza 20th Floor NEW YORK, NY 10112			FISHER, MICHAEL J	
		ART UNIT	PAPER NUMBER	
		3689		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/659,850	COFFEE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MICHAEL J. FISHER	3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 November 2008.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-91 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-91 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-43,59-87 and 89 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1,22,59,66,83,84,85,86,87,89, have the limitation (in some form, the following is from claim 1, which is emblematic), "...an inventory monitoring system... of non-vehicle products *on the mobile asset not connected to the mobile asset and used in the business of the mobile asset.*"

It is unclear to the examiner how a product could be on the asset and used in the business of the asset but yet, not be connected to the asset. While the term "connected" could be used to mean, "not attached", in this case, this does not appear to be what is meant and further, it is incumbent on the examiner to give the broadest possible interpretation of the limitations in the claims, and the broadest possible meaning of "connected" is "associated with in any way", such as by being on the mobile asset, thereby rendering the scope of the claims unclear and indefinite.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 6,240,365 to Bunn and further in view of US PAT 5,815,071 to Doyle.

As to claims 1,22,39,59,66, 83,84 and 86, Bunn discloses a wireless gateway that connects mobile and remote assets through multiple wireless networks and the Internet (fig 1), location aware logic for receiving location information (global positioning satellite (GPS) receivers, col 3, lines 28-32), the device allows the system to handle location information (inherent in GPS receivers), to tag events (the vehicle's location) the system is shown as using the Internet (col 3, lines 5-10). Bunn further discloses triggering acknowledging the event of the event of assets arriving at a job site (fig 7A' "renter takes vehicle" and "renter returns vehicle") so it would inherently detect the event in order to trigger a response, it would inherently include tracking non-vehicle assets as it is shown to have a cellular phone (fig 2A) which cellular phone is not attached to the vehicle (as can be seen in figs 1 and 2A). It would have been obvious to allow the system to use a dispatch location different from the job site as this would allow the rental company to keep the vehicle at a different parking lot from the rental agency. It further would be obvious to use the system to send messages and to alert when they have been received as the system is taught by send and receive messages and this would ensure that they have been received. The content of the message claimed is non-functional, descriptive data and therefore, would not make the instant invention

patentably distinct. As Bunn discloses using the Internet, it would have been obvious to use a browser as this is old and well known as a good way to use the Internet.

Further, Bunn does not teach tracking the products on the asset.

Doyle teaches a method of tracking products on an asset (col 4, lines 1-5).

It would have been obvious to one of ordinary skill in the art to modify the system and method as disclosed by Bunn with the notification system taught by Doyle as both teach methods of tracking fleets and their movements.

As to claim 44, as Bunn discloses using the Internet, it would have been obvious to use a browser as this is old and well known as a good way to use the Internet.

As to claim 88, Bunn discloses non-vehicle assets (cellular phone, fig 2A). Bunn does not teach a wireless use of the Internet. It is old and well known to use wireless devices to connect to the Internet, therefore, it would have been obvious to one of ordinary skill in the art to use a wireless, Internet device so as to allow the user to use the Internet (as discussed) without needing to connect via a wired connection.

As to claims 2, 23, the remote assets include a handheld device (unnumbered mobile phone in bottom left of fig 1).

As to claims 3, 24, the devices are mounted on vehicles (fig 1).

As to claims 4,16,25,37,38,68,76, Bunn does not however, teach bundling packets of information to send together. The examiner takes Official Notice that it is old and well known in the art to bundle messages together to send as one packet. Therefore, it would have been obvious to one of ordinary skill in the art to modify the

system as disclosed by Bunn by bundling communications together to reduce the amount of time a device is sending information.

As to claims 5,26, Bunn discloses hybrid systems including a handheld device (mobile phone) and a combined navigation and sensor device (GPS receiver) both work on a wireless network (fig 1).

As to claims 6,27, there is a connection between the handheld device and the navigation and sensor device (fig 1, 36, 34).

As to claims 7,28, the GPS would inherently be able to tell when the vehicle arrived and left the jobsite as it is used to ascertain position of the receiver.

As to claims 8,29, the system is shown to include means for reporting the location (fig 3, "Location (latitude and longitude)" and "Date & Time").

As to claims 9,30, Bunn discloses means for dispatching vehicles in response to work orders (rentals, fig 7A).

As to claims 10,31, the system includes means for automatically deriving work order status from reported arrival and departure (fig 7A', "renter takes vehicle" and "renter returns vehicle").

As to claims 11,32, Bunn discloses tracking the vehicle for a time period (during rental).

As to claims 12, it is inherent that there is means in a mobile phone that tells its location (via which tower is receiving the signal).

As to claims 13-15 and 82, Bunn discloses means for automatically reporting on selected events such as arrivals and departures (fig 7B), this could be to an 'enterprise user'. The time period would be the rental period.

As to claims 17,41, the system is shown to automatically detect preselected events and reporting them ("Is vehicle being returned", fig 7B).

As to claims 18,42, as a GPS receiver reports on location information, it would inherently include means for detecting location of an event.

As to claims 19, the system includes means for detecting events (rentals) and means for reporting the events (fig 7B).

As to claims 20,40, the detecting means detects site location of an event (fig 3).

As to claims 21,43, the examiner takes Official Notice that XML is very old and well known in the art and therefore, it would have been obvious to one of ordinary skill in the art to use XML as the system works on a computer and XML is very well known as being useful for use on computers.

As to claim 33, Bunn does not specifically teach the size of the GPS receiver. However, the examiner takes Official Notice that GPS receivers are very well known to be hand-held size. Therefore, it would have been obvious to one of ordinary skill in the art to make the GPS hand-held size to reduce its size and weight for ease of handling.

As to claim 34-36, Bunn discloses means for automatically reporting on arrivals and departures (fig 7B), this could be to an 'enterprise user'.

As to claim 45, as the system is shown to use the Internet, it would inherently use websites.

As to claims 46,60, the system handles customer logins (fig 7B, "Renter swipes card...").

As to claims 47,61, it would be inherent that the system manages the operation of the system.

As to claims 48,62, routers are inherent in computer systems that use the Internet.

As to claim 49, the GPS uses mapping while the system is shown to use text messages (fig 7C shows messages in text format).

As to claim 50, the system is shown to have work order management and dispatching applications (inherent in that it is shown to be used in rental agreements).

As to claims 51,64,67, the system is shown to have a short range wireless interface (mobile phone).

As to claim 52, as best understood, 65,72, it is very well known in the art to use Internet mapping systems (such as GoogleMaps) which would be used on a browser and further to have mapping software on computers (such as that offered by DeLorme). Therefore, it would have been obvious to one of ordinary skill in the art to include mapping systems as using latitude and longitude is not generally well known.

As to claims 53 and 73, it would be obvious to use a mapping system if it is included in the system.

As to claim 54, the channel is used to transmit different forms of data (fig 3).

As to claim 55, the GPS receiver inherently includes the means for performing these functions.

As to claims 56, as best understood, and 63, the system would inherently save information (as it is a computer) and further, is shown to save location information (fig 3).

As to claim 57, the system is shown to automatically report the status of a vehicle arrival (fig 7A).

As to claim 58, it would have been obvious to one of ordinary skill in the art to provide a means for guaranteeing delivery of reports to ensure they are delivered.

As to claim 69, it would have been obvious to one of ordinary skill in the art to provide a means for guaranteeing delivery of reports to ensure they are delivered and further to use a "user datagram protocol" as these are well known to be useful in sending information packets.

As to claim 70, Bunn discloses organizing data to be included in reports (fig 3).

As to claim 71, the user would only be authorized during the rental period and further would be limited to item pertaining to the user's rental thereby meeting the limitations as claimed.

As to claim 74, it is very well known in the art to update software when a newer version is available. Therefore, it would have been obvious to one of ordinary skill in the art to update the software when available to ensure that all new roads are included in the software.

As to claim 75, as the vehicles are rentals, it would be obvious to one of ordinary skill in the art for them to be dispatched to where work is performed as many renters are traveling on business and would inherently go to where work is performed.

As to claim 77, the examiner takes Official Notice that it is old and well known in the art to attempt to send information and to inform the sender if the information is not sent. Therefore, it would have been obvious to one of ordinary skill in the art to notify the user if the information is not sent so the user would not await assistance that is not forthcoming.

As to claim 78, the data is organized into groups (that for each rental).

As to claim 79, it would be inherent that a rental company would include information on the types of vehicles rented.

As to claims 80,89 Bunn discloses using the location aware logic in conjunction with other data (fig 3).

As to claim 81, Bunn further teaches distance (odometer reading, fig 3). Bunn does not, however, teach speed and direction. The examiner takes Official Notice that GPS receivers are very well known to be able to track speed and heading (as the location is changing the speed and heading would be ascertainable). Therefore, it would have been obvious to one of ordinary skill in the art to ascertain speed and heading to determine if the vehicle is moving as a stopped vehicle could mean a more serious problem.

As to claims 85,87,91, Bunn discloses a hybrid system comprising a handheld portable device (cellular phone as best seen in fig 2A) and a combined navigation and sensor device (col 2, lines 8-12, the GPS is a navigation device and a sensor device) and a network (fig 1).

As to claim 89, Bunn discloses business logic

***Response to Arguments***

Applicant's arguments filed 8/7/08 have been fully considered but they are not persuasive. As to arguments that the cell phone is wired into the vehicle, the examiner disagrees, as can be seen in fig 1, the cell phone is hand-held. While fig 2 shows the phone as being connected via a wire, that is merely one embodiment. As to arguments in relation to currently amended claims, these have been addressed in the above rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. FISHER whose telephone number is (571)272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF  
2/15/09

/Michael J. Fisher/  
Patent Examiner, Art Unit 3689